

The CHAIRMAN pro tempore. Would the gentlewoman from California be willing to withdraw her amendment momentarily in order to accommodate the suggestion made by the ranking member?

Ms. WATERS. Following the 1 minute of the 2 minutes which were granted for the extension of the debate, I would be willing to do that. But for the 1 minute that is still left in this debate I would respectfully like to take that at this time, Mr. Chairman.

The CHAIRMAN pro tempore. The gentlewoman from California is recognized.

Ms. WATERS. Mr. Chairman, Lori Berenson has been in prison for 3½ years. She was tried by a military tribunal that was hooded. She did not receive any justice. Does not the time served count for anything? Or are we to believe that Fujimori, who has said to us by way of communication in a letter and otherwise to everybody who has attempted diplomatic relations with him that he will not release her, are we to believe that this man is capable of giving her a fair trial? Do we not care that she may die up in the Andes, a young woman who is an idealistic journalist who thinks she is working for the rights, human rights, of individuals? Does she deserve to be treated this way?

My colleague has admitted that he does not know if she is innocent or not, but how can he be comfortable not being sure that she is guilty of a crime, that she continues to serve even beyond this 3½ years?

She has said she is not a terrorist, she does not belong to that terrorist organization, and the international human rights committees are not demanding a fair trial of Fujimori. They are demanding her release.

This statement, this amendment that I have, is an amendment that asks the State Department to use all of its diplomatic relations for the release of her. That does not dictate how that is done, but it simply says that the Congress of the United States is interested in them being about the business of showing some care and concern about an American citizen who has been imprisoned unfairly and unjustly over in Peru by a dictator.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I have just been informed by the Parliamentarian that we would have to go to the full House. So what I would suggest at this stage is that the gentlewoman and gentleman sit down and work it out. If they cannot work it out, we go right to the vote in the appropriate order. If they can work it out, we would include the new language in the en bloc amendment at the end.

Mr. SMITH of New Jersey. Reclaiming my time, Mr. Chairman, I would

just say to my friend we could move to rise, and it will take all of 30 seconds to do it in the full House and then go right back.

Mr. GEJDENSON. We achieve the same goal, and I think my colleagues could sit down. Either way we get the same result.

Mr. SMITH of New Jersey. I am not sure if the gentlewoman is willing.

Mr. ACKERMAN. Mr. Chairman, I move to table this amendment with the understanding that it would be untabled at the appropriate time.

The CHAIRMAN pro tempore. In Committee of the Whole the motion to table is not in order.

All time is expired.

Mr. SMITH of New Jersey. Mr. Chairman, for purposes of working this out, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. KINGSTON) having assumed the chair, Mr. BARRETT of Nebraska, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes, had come to no resolution thereon.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

MAKING IN ORDER CONSIDERATION OF WATERS AMENDMENT NO. 31 AFTER BILBRAY AMENDMENT NO. 33 DURING FURTHER CONSIDERATION IN THE COMMITTEE OF THE WHOLE OF H.R. 2415, AMERICAN EMBASSY SECURITY ACT OF 1999

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent to proceed out of order and to proceed directly to the Bilbray amendment when we return to the Committee of the Whole House and then, after that point, to return to the amendment from the gentlewoman from California (Ms. WATERS).

The SPEAKER pro tempore. Does the gentleman ask for unanimous consent to return to the Waters amendment to be reoffered after the Bilbray amendment in Committee of the Whole?

Mr. SMITH of New Jersey. That is correct, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

AMERICAN EMBASSY SECURITY ACT OF 1999

The SPEAKER pro tempore. Pursuant to House Resolution 247 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2415.

□ 1458

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2415) to enhance security of United States missions and personnel overseas, to authorize appropriations for the Department of State for fiscal year 2000, and for other purposes, with Mr. BARRETT of Nebraska (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the amendment offered by the gentlewoman from California (Ms. WATERS) had been withdrawn.

It is now in order to consider amendment No. 33 printed in Part B of House Report 106-235.

AMENDMENT NO. 33 OFFERED BY MR. BILBRAY

Mr. BILBRAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 33 offered by Mr. BILBRAY:

Page 84, after line 16, insert the following:
SEC. 703. SENSE OF CONGRESS REGARDING SEWAGE TREATMENT ALONG THE BORDER BETWEEN THE UNITED STATES AND MEXICO.

(a) FINDINGS.—

(1) The Congress finds that it must take action to address the comprehensive treatment of sewage emanating from the Tijuana River, so as to eliminate river and ocean pollution in the San Diego border region.

(2) Congress bases this finding on the following factors:

(A) The San Diego border region is adversely impacted from cross border raw sewage flows that effect the health and safety of citizens in the United States and Mexico and the environment.

(B) The United States and Mexico have agreed pursuant to the Treaty for the Utilization of Waters of the Colorado and Tijuana Rivers and of the Rio Grande, dated February 3, 1944, "to give preferential attention to the solution of all border sanitation problems".

(C) The United States and Mexico recognize the need for utilization of reclaimed water to supply the growing needs of the City of Tijuana, Republic of Mexico, and the entire border region.

(D) Current legislative authority limits the scope of proposed treatment options in a way that prevents a comprehensive plan to address the volume of cross border raw sewage flows and the effective utilization of reclamation opportunities.

(E) This section encourages action to address the comprehensive treatment of sewage emanating from the Tijuana River, so as to

eliminate river and ocean pollution in the San Diego border region, and to exploit effective reclamation opportunities.

(b) SENSE OF CONGRESS.—The Congress—

(1) encourages the Secretary of State to give the highest priority to the negotiation and execution of a new treaty minute with Mexico, which would augment Minute 283 so as to allow for the siting of sewage treatment facilities in Mexico, to provide for additional treatment capacity, up to 50,000,000 gallons per day, for the treatment of additional sewage emanating from the Tijuana area, and to provide direction and authority so that a comprehensive solution to this trans-border sanitation problem may be implemented as soon as practicable;

(2) encourages the Administrator of the Environmental Protection Agency and the United States section of the International Boundary and Water Commission to enter into an agreement to provide for secondary treatment in Mexico of effluent from the International Wastewater Treatment Plant (IWTP);

(3) encourages the United States section of the International Boundary and Water Commission to provide for the development of a privately-funded Mexican Facility, through the execution of a fee-for-services contract with the owner of such facility, in order to provide for—

(A) secondary treatment of effluent from the IWTP, if found to be necessary, in compliance with applicable water quality laws of the United States, Mexico, and California; and

(B) additional capacity for primary and secondary treatment of up to 50,000,000 gallons per day, for the purpose of providing additional sewage treatment capacity in order to fully address the trans-border sanitation problem;

(C) provision for any and all approvals from Mexican authorities necessary to facilitate water quality verification and enforcement at the Mexican Facility to be carried out by the International Boundary and Water Commission or other appropriate authority;

(D) any terms and conditions deemed necessary to allow for use in the United States of treated effluent from the Mexican Facility if there is reclaimed water surplus to the needs of users in Mexico; and

(E) return transportation of whatever portion of the treated effluent which cannot be reused to the South Bay Ocean Outfall; and

(4) in addition to other terms and conditions considered appropriate by the International Boundary and Water Commission, in any fee-for-services contract, encourages the International Boundary and Water Commission to include the following terms and conditions—

(A) a term of 30 years;

(B) appropriate arrangements for the monitoring and verification of compliance with applicable United States, California, and Mexican water quality standards;

(C) arrangements for the appropriate disposition of sludge, produced from the IWTP and the Mexican Facility, at a location or locations in Mexico; and

(D) payment of appropriate fees from the International Boundary and Water Commission to the owner of the Mexican Facility for sewage treatment services, with the annual amount payable to be reflective of all costs associated with the development, construction, operation, and financing of the Mexican Facility.

The CHAIRMAN pro tempore. Pursuant to House Resolution 247, the gentleman from California (Mr. BILBRAY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California (Mr. BILBRAY).

□ 1500

Mr. FILNER. Mr. Chairman, although I am not opposed, I ask unanimous consent to claim the 5 minutes in opposition to the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BILBRAY. Mr. Chairman, I yield myself such time as I may consume.

Today the House has the pleasure of supporting a bipartisan amendment that will help clean up the environment and could possibly save hundreds of millions of dollars for the American taxpayer. It is an amendment that is supported by not only the chairman, but also the ranking member of the committee. It is an amendment that hopefully can be used as an example of bipartisan ship and international cooperation, for the good of the taxpayers of this country and for the environment in the United States and Mexico.

Mr. Chairman, my amendment specifically addresses an issue that has gone on for much too long, it is something that addresses the issue of the Tijuana sewage problem that has for so long polluted the beaches of southern California. The gentleman from California (Mr. FILNER) has worked with me on this issue in order to pursue a solution that may be able to save hundreds of millions of dollars.

The issue really is tied to the fact that Tijuana does not have adequate sewage treatment capabilities at this time and has not historically had those. This amendment would encourage a bipartisan minute order between Mexico and the United States, through the vehicle of the International Boundary and Water Commission, that specifically states that the agencies will work together and cooperate in finally addressing the treatment of the sewage and the appropriate disposal of that sewage, in consistency with not only the Clean Water Act of the United States, but also with Mexican environmental regulations.

This amendment specifically is a sense of Congress, and it is a sense of Congress supporting the concept that the Administration, working with Mexico, will look at the most cost-effective alternatives and opportunities of treating Mexican sewage. That opportunity may exist in the United States, but it may also exist in Mexico.

It may seem like a rather novel idea to some people, but I think if we have the potential to treat Mexican sewage in Mexico and do it cheaper and in a

more environmentally sensitive manner, than what we could do on our side of the border, we not only have a right, Mr. Chairman, we have a responsibility to look into this.

I would like to include for the RECORD a statement from the Surfrider Foundation of San Diego County dated July 9, 1999. It is titled, the Surfrider Policy Regarding Delays in Achieving Secondary Treatment at the U.S.-Mexico Border. Mr. Chairman, I will just quote briefly from this statement. Surfrider states in their communique that "a comprehensive solution will offer the benefits of timeliness as well as the consideration of other priority issues such as the ability to treat all of the sewage problems within the region." It says that the proposal is within the existing systems of wastewater treatment that will benefit both Mexico and the United States.

Mr. Chairman, I rise today in strong support of this simple, bipartisan, and common-sense amendment. This may seem like a relatively minor element of such an important and sweeping bill, but it has a potentially huge positive impact on the public health and environment of the international border region between the cities of Tijuana and San Diego. I would ask our colleagues to focus on it for just a moment, and give it your attention and support.

Many of you are well aware of the ongoing health and environmental threats which have existed along this border region for decades as a result of renegade flows of untreated sewage from Mexico. You have heard me and my colleague Mr. FILNER speak to this problem on a number of occasions, and I am happy to report that progress has been made in recent years and months, and is being made even now. An International Wastewater Treatment Plant (IWTP) has been constructed on the U.S. side right at the border and is operating now, treating Mexican sewage to primary levels, with a second treatment component to follow. After a lengthy environmental review of alternatives for providing the required levels of secondary treatment, a decision must be made as to how to proceed with selecting and implementing an environmentally preferable secondary alternative. Right now, the leading alternative is a 25 mgd plant which would consist of an aerated ponding system, which under existing international agreement would be constructed on the U.S. side of the border.

We have come a long way to reach this point, and we now find ourselves at something of a strategic crossroads. I wholeheartedly support secondary treatment of these sewage flows, in order to better protect the beaches, estuaries, and citizens on both sides of the border region. However, it has become clear that the secondary ponds alternative which could be constructed on the U.S. side, while clearly benefited, will be overwhelmed and operating beyond its capacity—25 million gallons per day (mgd)—from its day of operation. Under these circumstances, we would need to immediately begin working on establishing a means to treat the excess capacity of flows—50 mgd and higher—on the U.S. side of the border. This will necessarily take additional

time to develop, and additional U.S. tax dollars to construct and implement. I am more than willing to spend whatever time and money may be needed in order to deal with this problem conclusively, but both time and available dollars are precious commodities, especially when the public health continues to be at risk.

An opportunity has emerged to "think outside the box" and carefully consider a progressive and comprehensive strategy which would entail a public-private partnership, and benefit the entire region well into the future, by constructing in Mexico a 25 mgd treatment plant, using the same ponding technology, but with the capacity for safely treating anticipated future flows of 50 to even 100 mgd. In the process, this facility would be able to reclaim treated wastewater and make it available to the rapidly expanding business and industrial sectors of Tijuana. In this growing and arid border region, water is a scarce commodity, and water reclaimed from treatment facilities could free up precious potable water for use in Mexican households.

There is tremendous potential in this innovative approach, and the intent of our amendment is to provide every encouragement that it be pursued to the fullest. We simply want to send the message that Congress supports the idea of a binational agreement, which would be needed in order to facilitate the development and implementation of such a public-private arrangement, with the consent of both federal governments. This potential strategy has considerable popular support in the region, including the City of San Diego and other local elected officials, and respected environmental organizations such as the Surfrider Foundation. I have a brief statement on this topic from the Surfrider Foundation which I would ask to be entered into the record at this point.

If it can be developed and implemented, a long-term and comprehensive solution to a chronic environmental problem will be at hand, U.S. tax dollars will be saved, a new source of reclaimed water will be available to a ready market in Mexico, and the children and families of both Tijuana and San Diego will be able to go to their beaches, play in the estuaries, fish in the oceans, and live their lives in their communities without the chronic stigma and health threat of sewage pollution which is an unfortunate fact of life in the region.

The amendment is respectful of the sovereignty of both nations, and the missions of local, state, and federal governments and agencies which are working on this issue on both sides of the border. Its intent is simply to establish some momentum behind this strategy, and indicate that this Congress is serious in encouraging that it be fully explored and evaluated by both governments and other involved stakeholders as a solution for the region's sewage problem.

There is work that remains to be done at several levels for such a scenario to unfold, but its potential is tremendous, and we can help grow this potential today by supporting this amendment, and laying the groundwork for what could be the final chapter of one of the biggest and for too long most overlooked environmental problems this country has ever seen.

Please help explore this possibility by supporting the Bilbray-Filner amendment.

SURFRIDER FOUNDATION POLICY REGARDING DELAYS IN ACHIEVING SECONDARY TREATMENT AT THE U.S. MEXICAN BORDER

Currently, more than 50 million gallons per day (mgd) of raw, untreated sewage enters the Tijuana River and the Tijuana Municipal Wastewater System. Less than half of this, approximately 25 mgd, is treated to advanced primary standards at the International Wastewater Treatment Plant (ITP) and discharged into the ocean via the South Bay ocean outfall. A portion of the remaining untreated sewage, up to 17mgd, receives some indeterminate level of treatment at the San Antonio de Los Buenos Treatment Plant in Mexico. The remainder of untreated sewage is discharged directly into the nearshore marine environment at the mouth of the Tijuana River and at Punta Banderas, 5 miles south of the Border. Together with numerous other groups, the San Diego County Chapter of the Surfrider Foundation is concerned about the environmental impacts and human health risks of discharging any raw sewage into the ocean, as well as effluent that receives anything less than secondary treatment.

The Environmental Protection Agency (EPA) and International Boundary and Water Commission (IBWC) are required to achieve secondary standards of treatment for all sewage discharged from the ITP by December 2000. Several options for an appropriate treatment plant have been considered by EPA and IBWC, however, no final preferred option has been chosen. The frontrunner to date is a 25mgd secondary treatment plant using "Completely Mixed Aerated" pond technology at the "Hofer" site adjacent to the ITP. Because the deadline to begin construction of a secondary treatment plant which would be operational by the December date has passed, the agencies have sought more time to select a preferred alternative. Additionally, this added time as been sought to fully consider options not previously considered, which would provide for a comprehensive solution to the known and future anticipated volume of sewage.

The Surfrider Foundation agrees with many others that secondary treatment must be achieved as quickly as possible. The harmful effects to the deep ocean environment, the public, as well as to the beaches and beach communities of southern San Diego County must not continue. However, recognizing that a partial solution is no solution, the Surfrider Foundation is strongly in favor of a comprehensive solution, fully aware of the risk of slight delay. A comprehensive solution will offer the benefits of timeliness as well as the consideration of other priority issues such as the ability to treat all present and future flows, impact of the plant location upon the immediate environment and population, plant expansion capability, feasibility of beneficial water reuse, proper sludge handling, and the relationship and compatibility of the proposal within the existing system of wastewater treatment in both the U.S. and Mexico.

Therefore, the Surfrider Foundation will support the EPA and the IBWC in their efforts to provide comprehensive secondary treatment of all sewage flowing from the Tijuana River as quickly as possible.

Mr. BILBRAY. Mr. Chairman, I yield such time as he may consume to the gentleman from Huntington Beach, California (Mr. ROHRBACHER), my fellow colleague.

Mr. ROHRBACHER. Mr. Chairman, I would like to commend the gentle-

men from California (Mr. FILNER and Mr. BILBRAY) for working together on this important piece of legislation. We all live along the coastline of Southern California and this issue of sewage, especially from Mexico going into our waters, is of utmost importance to the health of our people; and both of the gentlemen from California (Mr. FILNER and Mr. BILBRAY) have put out an enormous effort. They have shown bipartisan spirit.

I want to commend both of them, and I appreciate the efforts they have been putting out, especially those of us who do surf in the ocean, recognize the importance of the quality of that water.

Mr. BILBRAY. Mr. Chairman, I reserve the balance of my time.

Mr. FILNER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I want to thank the gentleman from New York (Mr. GILMAN), the chairman of the committee, and the gentleman from Connecticut (Mr. GEJDENSON), the ranking member, for working with us to have this amendment in order and to support it. And of course I want to thank the gentleman from California (Mr. BILBRAY), my colleague, for being the chief sponsor of this amendment.

The two of us have been knee deep, literally, in this problem for probably 50 years between us; he when he started as a city council member and the mayor of Imperial Beach, California; myself since I was a city council member in San Diego. The two of us in local government have worked very hard to deal with an issue that few people in this House could face, and that is 50 million gallons a day of raw sewage flowing through their districts. This occurs because Mexico simply does not have the facilities to treat this sewage.

We are in the process of solving that. Because of timing, because of the processes of budgeting, we are in an interesting and unique situation. We have a chance, with this House's support, to have a bipartisan, binational environmental-friendly, taxpayer-friendly solution, finally, to a problem that has plagued us for nearly 5 decades.

What we want this House to go on record to do with this amendment is to approve in concept an innovative public-private partnership that says, we can treat this raw sewage originating in Mexico in Mexico with the highest standards to which we would be accustomed to in this country, with an environmentally-sound process which would be paid for up front by the private sector, and which would provide a comprehensive solution, finally, to this problem.

This is a rare opportunity where an innovative solution can be considered. It is not in the box of thinking of the traditional bureaucracies. They have had some trouble studying this to the degree that we would have liked, and so this Congress we are asking to go on

record to approve the concept of studying this innovative public-private partnership, environmentally-friendly approach.

Mr. Chairman, it is time for this problem in Southern California, in southern San Diego which crosses the borders of not only Mexico, the districts of Mr. BILBRAY and myself, to solve this problem.

Mr. Chairman, I reserve the balance of my time.

Mr. BILBRAY. Mr. Chairman, may I inquire on how much time remains?

The CHAIRMAN pro tempore (Mr. BARRETT of Nebraska). The gentleman from San Diego (Mr. BILBRAY) has one 1 minute remaining; the other gentleman from San Diego (Mr. FILNER) has 2 minutes remaining.

Mr. BILBRAY. Mr. Chairman, I yield myself such time as I may consume.

We are talking about the basic decency of allowing our children and families not to have to face pollution and sewage closing our beaches, polluting our estuaries, and especially sewage that is not coming from our neighborhoods or our area. It is actually coming from a foreign country.

Now, the Federal Government has finally awoken to the fact that we have a legal and moral obligation to address this environmental issue. This is a chance for both Republicans and Democrats to stand up to protecting American soil, making sure that the environment really does count, and also saving the taxpayers massive amounts of money. It is, I hate to use the cliché, a classic example of a win-win. I think that is why we see both the ranking member and the chairman of the committee supporting this, with such diverse political views as Mr. Filner and myself supporting this.

It really comes down to the fact that those of us who have lived in this area have been suffering under huge amounts of pollution for decades. Sadly, my children are second generation sewage kids. It is time Congress sends a clear signal that this will come to an end now, and I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FILNER. Mr. Chairman, I yield 1 minute to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Chairman, I would just like to lend my voice of support for this amendment. It is a bipartisan amendment. It gets rid of raw sewage that originates in Mexico and finds its way on to our shores.

Mr. Chairman, the gentlemen from California have found a way to clean up this issue and to protect American soil. It is very important that we support this amendment, and I am pleased to lend my voice of support.

Mr. FILNER. Mr. Chairman, I yield myself such time as I may consume.

I again want to thank certainly the gentleman from California (Mr.

BILBRAY) and his staff for working with me and my staff in preparing this comprehensive amendment. The gentleman from New York (Mr. GILMAN) and the gentleman from Connecticut (Mr. GEJDESON) have been very supportive. Also, I want to acknowledge the experts on the Clean Water Act and these issues as they relate to the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania (Mr. SHUSTER), the gentleman from Minnesota (Mr. OBERSTAR), the gentleman from Pennsylvania (Mr. BORSKI), and the gentleman from New York (Mr. BOEHLERT) for their support of this approach.

Again, it is a win-win situation. We are going to save taxpayers' money. We have an environmentally sustainable solution that is being applied. It allows Mexico to make use of reclaimed sewage water for its agriculture and commercial purposes. It solves the problem that has been with us for 50 years.

Mr. Chairman, I ask my colleagues in the Congress to support this approach and finally close out a problem that too many of us have suffered with too long.

Mr. Chairman, I yield back the balance of my time.

Mr. BILBRAY. Mr. Chairman, I yield myself the balance of my time.

I would like to thank the chairman for cooperating with us on this issue. This is good for the environment on both sides of the border, as well as on both sides of the aisle. It is time that Congress sends a clear message that we should do whatever we can to help the environment in the most cost-effective, reasonable, and intelligent way. All this says is let us do it the right way with the least amount of cost.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California (Mr. BILBRAY).

The question was taken; and the Chairman pro tempore announced that the ayes appeared to have it.

Mr. BILBRAY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 247, further proceedings on the amendment offered by the gentleman from California (Mr. BILBRAY) will be postponed.

Pursuant to the order of the House, it is now in order to consider Amendment No. 31 printed in Part B of the House report 106-235.

AMENDMENT NO. 31 OFFERED BY MS. WATERS

Ms. WATERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Part B Amendment No. 31 offered by Ms. WATERS:

Page 84, after line 16, insert the following:

SEC. 703. SENSE OF CONGRESS CONCERNING SUPPORT FOR DEMOCRACY IN PERU AND THE RELEASE OF LORI BERENSON, AN AMERICAN CITIZEN IMPRISONED IN PERU.

It is the sense of the Congress that—

(1) the United States should increase its support to democracy and human rights activists in Peru, providing assistance with the same intensity and decisiveness with which it supported the pro-democracy movements in Eastern Europe during the Cold War;

(2) the United States should complete the review of the Department of State investigation of threats to press freedom and judicial independence in Peru and publish the findings;

(3) the United States should use all available diplomatic efforts to secure the release of Lori Berenson, an American citizen who was accused of being a terrorist, denied the opportunity to defend herself of the charges, allowed no witnesses to speak in her defense, allowed no time to privately consult with her lawyer, and declared guilty by a hooded judge in a military court; and

(4) in deciding whether to provide economic and other forms of assistance to Peru, the United States should take into consideration the willingness of Peru to assist in [the release of] Lori Berenson.

The CHAIRMAN pro tempore. Pursuant to House Resolution 247, the gentlewoman from California (Ms. WATERS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California (Ms. WATERS).

Ms. WATERS. Mr. Chairman, I yield myself such time as I may consume.

As my colleagues know, I offered an amendment that would instruct the State Department to use all diplomatic efforts for the release of Lori Berenson. Again, I reiterate that Lori Berenson is a young woman who hails from New York. She is a journalist. She comes from a fine family. She went to Peru to work on human rights issues. She has been jailed by Fujimori. She has been placed high in the Andes in a room, in a prison where the temperature never gets above 40. Her health is failing her. She has been accused of being a terrorist, and she has been sentenced to life in prison.

We have done everything in our power to try and persuade President Fujimori to give her a fair trial. The trial that she received was certainly not fair. It was a trial by a military tribunal. They were hooded. She did not have a chance to offer a defense. She did not have a chance to offer any evidence. She did not have a chance to do anything that would ensure that she could have a fair trial. And so, she has been in prison now for 3 years and 8 months. She has been in prison for 3 years and 8 months with Americans trying to go down there to visit her.

The gentlewoman from New York (Mrs. MALONEY) has been there. We are working with her parents. Mr. Chairman, 176 Members of Congress on both sides of the aisle have joined in a campaign for her release, Democrats and Republicans. We are outraged that we would allow Fujimori to do this to a young American woman.

There is no reason that we should allow Fujimori, who has basically dismantled his government, who has taken over and appointed all of his judges, who really literally has shut down the media, we should not allow him to continue to imprison this young lady. She has said she is not a terrorist, she was not involved in any terrorist activities; and the human rights groups throughout this Nation have asked for a fair trial. He has refused a fair trial.

Now the gentleman from New Jersey (Mr. SMITH) is saying that he would like to see her get a fair trial.

□ 1530

We have some compromise language. Our language would concede to his concerns about a fair trial, even though we do not think she can get one. We would amend our language to say that she should have a fair trial according to international standards, within a year, and failing that, that she should be released.

Now, everything is fair about this. Number one, the gentleman from New Jersey (Mr. SMITH) said he wanted to see a fair trial. Despite the fact that we do not think she can get one, we are conceding to him that we will ask one more time, by way of this formal procedure that we are involved with here in the Congress on the floor of the House, to ask for a fair trial, but we want it according to international standards.

We want to make sure that we are on the same track and we have the same definition for what is fair. Failing that, and only failing that, for example, if they say, no, we will not give her a fair trial, if they say, no, wait 10 more years, if they say we do not know what is meant by a fair trial, if they do not do it, if they do not actually carry out, rather, a fair trial, then we are asking for her release.

Mr. Chairman, I do not know what could be any fairer than that. We do not believe, again, that she can get a fair trial; but we are going to go along, and we are going to ask for it. We do not think it should hang out there forever, with them saying 5, 10 years from now we are trying to give her a fair trial.

So we have asked for a fair trial according to international standards within 1 year and, failing that, and only failing that, she should be released.

I would say to the Members of this House that I think that we can at least do this for this American, for a young woman who has not been proven guilty of anything; for a young woman who may be idealistic, but she does not deserve to have her life taken away from her.

Her parents are people who live up in the district of the gentlewoman from New York (Mrs. MALONEY). They travel

throughout this country. They knock on the doors of the Members of Congress. They are begging us to please, to please, understand what is going on.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in opposition to the amendment, and yield myself such time as I may consume.

Mr. Chairman, again, I want to repeat my request to the gentlewoman from California (Ms. WATERS). We were unable to work it out in that short time we had together.

I wanted to put, in lieu of "the release of" Lori Berenson, "a fair trial pursuant to international standards." Regrettably, the gentlewoman from California (Ms. WATERS) wanted to add the words, "or release," or, as she just pointed out, 1 year later there would be a release.

I can say this having raised this issue myself before, with all my force. I have been concerned about it, like many Members on both sides of the aisle. But the issue here is one of fair trial and not of judging the evidence, because there is a lot of evidence, pro and con. Regrettably, in a sense of the Congress, which is a very serious matter, we should not go on record calling for the release of someone about whose innocence we are not persuaded one way or the other when the allegation is of a very, very serious terrorism charge.

The MRTA, with which Ms. Berenson has been identified—and I think this should be underscored—is exceedingly violent. It was responsible, as I said earlier in the debate, among other acts of terrorism, for the seizure of the Japanese ambassador's residence in Peru.

Remember, I say to my colleagues, day in and day out, as we watched CNN and we watched the news clips of those ambassadors and support personnel and everyone else who were caught behind those closed doors. Those hostages lived in agony for 5 months. To be associated with that group is a serious charge.

Although we cannot effectuate it, we must at least use the moral suasion of Congress to emphasize that there needs to be a fair trial, pursuant to international standards. The gentlewoman from California (Ms. WATERS) goes far beyond what we should be recommending in this situation.

I would also point out that I have raised this issue. I take a back seat to no one regarding human rights violations that occur in Peru, or anywhere else in the world. My Subcommittee on International Operations and Human Rights has had something on the order of 100 hearings since I have been chairman. We have had fact-finding missions, including one to Peru, to raise issues of human rights.

I believe in due process rights. I believe that she deserves them. As the gentlewoman from California (Ms. WATERS) knows, our embassy was trying, our personnel were trying, to get her to

serve out her sentence here in the United States in what, hopefully, would be a more pleasant situation or circumstance, relatively speaking.

So I really reluctantly rise in opposition to this.

Mr. WATERS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentlewoman from California.

Ms. WATERS. Mr. Chairman, will the gentleman from New Jersey (Mr. SMITH) articulate where we differ? We have agreed that there should be a fair trial. We agree on that.

Where do we differ? We have said that if they do not give her a fair trial within a year, then that would be what would trigger release. We do not say release without a fair trial. Now, where do we differ?

Mr. SMITH of New Jersey. Reclaiming my time, the word "release" should not appear in this document, in this Sense of the Congress, because we should not be coming down on the side of releasing someone who has been accused of a very, very serious offense in cooperation with a terrorist organization that has a despicable record in Peru. But, again, we must demand that the charges against her be properly adjudicated.

Let me remind Members that there were Americans who were held hostage in the Japanese ambassador's residence by this very group. I would urge a no vote on this, and I say that with reluctance. This is not a properly constructed amendment.

Mrs. MEEK of Florida. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from California, MAXINE WATERS. This amendment expresses the sense of the Congress that the United States should increase support to democracy and human rights activities in Peru; urge the Organization of American States to investigate threats to judicial independence and freedom of the press in Peru; use all diplomatic means to get Peru to release Lori Berenson (a U.S. citizen sentenced to life in prison by a military judge in 1996 for alleged terrorist acts); and take into consideration the willingness of Peru to release Lori Berenson before providing economic or other assistance to Peru.

While I understand that Peru is a sovereign nation, the country is lacking three principles that are fundamental for a democratic society governed by law: (1) freedom of expression; (2) integrity of a judicial system in a constitutional government; and (3) due process.

In its annual human rights report on Peru, the U.S. State Department has flagged several serious violations, with particular emphasis on freedom of the press. Peru has been condemned by several international organizations for serious "freedom of the press" abuses.

On Thursday, July 1, 1999, the House Committee on International Relations passed by voice vote H. Res. 57, expressing concern with the interferences with both the freedom of the press in Peru, as well as the judicial institutions of Peru.

Due process is a fundamental human right and completely necessary to a functioning democracy. Without due process, there can be

no fairness, no justice, and no protection for any of the other fundamental freedoms of expression.

In November 1995, a U.S. citizen, Lori Berenson was arrested and subjected to a secret, hooded military tribunal in which she was denied due process, according to the State Department, human rights groups and the United Nations Commission on Human Rights. She was convicted of treason and given a life sentence without parole for allegedly being a leader of a terrorist group. Lori has proclaimed her innocence to these charges and in a letter to the human rights community, has denounced violence and terrorism.

Lori has continuously been denied the opportunity to speak with human rights groups and the media. She has been held under horrendous prison conditions in the Peruvian Andes and we are all very concerned with her failing health. Lori has been subjected to long periods of isolation which have been cited by Amnesty International as cruel, inhumane and degrading treatment, in violation of Article 5 of the Universal Declaration of Human Rights.

Dennis Jett, the U.S. Ambassador to Peru, has publicly stated that Lori Berenson has been singled out and treated badly simply because she is a U.S. citizen. The Peruvian military tribunal that convicted Lori was in secret. Additionally, the Peruvian government has never demonstrated any significant evidence against Lori because it does not exist. Meanwhile, Lori has continued to proclaim her innocence.

Mr. Chairman, if we are to carry out the full intent of Title 22 U.S.C. section 1732, by which Congress has given the President the authority, short of war, to gain the release of a U.S. citizen who has been wrongly incarcerated abroad, then we must do all that we can do to bring Lori home.

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). The question is on the amendment offered by the gentlewoman from California (Ms. WATERS).

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Ms. WATERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 15-minute vote followed by a 5-minute vote on the Bilbray amendment.

The vote was taken by electronic device, and there were—ayes 189, noes 234, answered “present” 5, not voting 5, as follows:

[Roll No. 326]

AYES—189

Abercrombie	Blumenauer	Capuano
Allen	Bonior	Cardin
Andrews	Borski	Carson
Baird	Boswell	Clay
Baldacci	Boucher	Clayton
Baldwin	Boyd	Clement
Becerra	Brady (PA)	Clyburn
Berkley	Brown (FL)	Conyers
Berman	Brown (OH)	Costello
Berry	Callahan	Coyne
Bishop	Campbell	Crowley
Blagojevich	Capps	Cummings

Danner	Kilpatrick	Phelps
Davis (FL)	Klecza	Pickett
Davis (IL)	Kucinich	Pomeroy
DeFazio	LaFalce	Price (NC)
DeGette	Lampson	Pryce (OH)
Delahunt	Lantos	Rahall
Deutsch	Larson	Rangel
Dicks	Lee	Rivers
Dixon	Levin	Rodriguez
Doggett	Lewis (GA)	Rothman
Dooley	Lipinski	Roybal-Allard
Doyle	Lofgren	Rush
Edwards	Lowey	Sabo
Engel	Lucas (KY)	Salmon
English	Luther	Sanchez
Eshoo	Maloney (CT)	Sanders
Etheridge	Maloney (NY)	Sandlin
Evans	Markey	Sawyer
Farr	Martinez	Scarborough
Fattah	Mascara	Schakowsky
Filner	Matsui	Scott
Ford	McCarthy (MO)	Serrano
Frost	McCarthy (NY)	Sherman
Gejdenson	McGovern	Sherwood
Gephardt	McIntyre	Skelton
Gonzalez	McKinney	Slaughter
Gordon	McNulty	Spratt
Green (TX)	Meehan	Stabenow
Gutierrez	Meek (FL)	Stark
Hall (OH)	Meeks (NY)	Strickland
Hastings (FL)	Millender-	Tanner
Hilliard	McDonald	Tauscher
Hinchey	Miller, George	Thompson (CA)
Hinojosa	Mink	Thompson (MS)
Hobson	Moakley	Thurman
Hoeffel	Moore	Tierney
Holden	Moran (VA)	Turner
Holt	Morella	Udall (CO)
Hooley	Nadler	Udall (NM)
Horn	Napolitano	Velazquez
Hoyer	Neal	Vento
Inslee	Oberstar	Waters
Jackson (IL)	Obey	Watt (NC)
Jackson-Lee	Oliver	Waxman
(TX)	Ortiz	Weiner
Jefferson	Ose	Wexler
Johnson (CT)	Owens	Weyand
Johnson, E.B.	Pallone	Whitfield
Jones (OH)	Pascarell	Woolsey
Kaptur	Pastor	Wu
Kelly	Payne	Wynn
Kildee	Pelosi	

NOES—234

Ackerman	Condit	Goodlatte
Aderholt	Cook	Goodling
Archer	Cooksey	Goss
Armey	Cox	Graham
Bachus	Cramer	Granger
Baker	Crane	Green (WI)
Ballenger	Cubin	Greenwood
Barcia	Cunningham	Gutknecht
Barr	Davis (VA)	Hall (TX)
Barrett (NE)	Deal	Hansen
Bartlett	DeLauro	Hastings (WA)
Barton	DeLay	Hayes
Bass	DeMint	Hayworth
Bateman	Diaz-Balart	Hefley
Bentsen	Dickey	Hergert
Bereuter	Dingell	Hill (MT)
Biggert	Doolittle	Hilleary
Bilbray	Dreier	Hoekstra
Bilirakis	Duncan	Hostettler
Bliley	Dunn	Houghton
Blunt	Ehlers	Hulshof
Boehlert	Ehrlich	Hunter
Boehner	Emerson	Hutchinson
Bonilla	Everett	Hyde
Bono	Ewing	Isakson
Brady (TX)	Fletcher	Istook
Bryant	Foley	Jenkins
Burr	Forbes	John
Burton	Fossella	Johnson, Sam
Buyer	Fowler	Jones (NC)
Calvert	Frank (MA)	Kanjorski
Camp	Franks (NJ)	Kasich
Canady	Frelinghuysen	Kind (WI)
Cannon	Galleghy	King (NY)
Castle	Ganske	Kingston
Chabot	Gekas	Klink
Chambliss	Gibbons	Knollenberg
Coble	Gilchrest	Kolbe
Coburn	Gillmor	Kuykendall
Collins	Gilman	LaHood
Combest	Goode	Largent

Latham	Pickering	Smith (WA)
LaTourette	Pitts	Souder
Lazio	Pombo	Spence
Leach	Porter	Stearns
Lewis (CA)	Portman	Stenholm
Lewis (KY)	Quinn	Stump
Linder	Radanovich	Stupak
LoBiondo	Ramstad	Sununu
Lucas (OK)	Regula	Sweeney
Manzullo	Reynolds	Talent
McCollum	Riley	Tancredo
McCrery	Roemer	Tauzin
McHugh	Rogan	Taylor (MS)
McInnis	Rogers	Taylor (NC)
McIntosh	Rohrabacher	Terry
McKeon	Ros-Lehtinen	Thomas
Menendez	Roukema	Thornberry
Metcalfe	Royce	Thune
Mica	Ryan (WI)	Tiahrt
Miller (FL)	Ryun (KS)	Toomey
Miller, Gary	Sanford	Trafficant
Minge	Saxton	Upton
Mollohan	Schaffer	Visclosky
Moran (KS)	Sensenbrenner	Vitter
Murtha	Sessions	Walden
Myrick	Shadegg	Walsh
Nethercutt	Shaw	Wamp
Ney	Shays	Watkins
Northup	Shimkus	Watts (OK)
Norwood	Shows	Weldon (FL)
Nussle	Shuster	Weldon (PA)
Oxley	Simpson	Weller
Packard	Sisisky	Wicker
Paul	Skeen	Wise
Pease	Smith (MI)	Wolf
Peterson (MN)	Smith (NJ)	Young (AK)
Petri	Smith (TX)	Young (FL)

ANSWERED “PRESENT”—5

Barrett (WI)	Reyes	Wilson
Hill (IN)	Snyder	

NOT VOTING—5

Chenoweth	McDermott	Towns
Kennedy	Peterson (PA)	

□ 1544

Messrs. SHOWS, WELDON of Florida, BENTSEN and WISE and Mrs. BONO changed their vote from “aye” to “no.”

Mrs. KELLY, Mr. HOBSON, Mr. ENGLISH and Ms. KAPTUR changed their vote from “no” to “aye.”

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore (Mr. HASTINGS of Washington). Pursuant to House Resolution 247, the Chair announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 33 OFFERED BY BILBRAY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on amendment No. 33 offered by the gentleman from California (Mr. BILBRAY) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.